

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Petrika Vesho

v.

Civil No. 24-cv-183-LM-AJ

Martin O'Malley, Commissioner
Social Security Administration

Report and Recommendation

Petrika Vesho filed this action seeking review of the Social Security Administration Commissioner's decision that denied his application for disability benefits under Title II of the Social Security Act. On preliminary review, the court directed service of the complaint, and the case proceeded under Local Rule 9.1. The Commissioner filed the administrative record on August 27, 2024.

Vesho did not file a motion to reverse the Commissioner's decision within 30 days after the administrative record was filed as is required under Local Rule 9.1(c). On October 4, the court gave Vesho an additional 14 days to file the motion to reverse and notified him that failure to file could result in dismissal of his complaint. Doc. no. 6. To date, Vesho has not filed a motion to reverse, sought an extension of time to do so, or otherwise contacted the court.

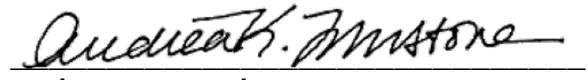
"A district court, as part of its inherent power to manage

its own docket, may dismiss a case sua sponte for any of the reasons described in Fed. R. Civ. P. 41(b)." Cintron-Lorenzo v. Dep't de Asumtos del Consumidor, 312 F.3d 522, 526 (1st Cir. 2002); see also Link v. Wabash R. Co., 370 US. 626, 630-31 (1962). Rule 41(b) provides that the court may dismiss an action "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order."

The case cannot proceed in the absence of Vesho's motion to reverse. In failing to file a motion to reverse, Vesho has failed to prosecute his complaint seeking judicial review of a decision by the Commissioner of Social Security. He also failed to comply with the court's order to file the motion to reverse. Dismissal, therefore, is appropriate.

Conclusion

For the foregoing reasons, the district court should dismiss Petrika Vesho's complaint (doc no. 1). In consideration of Vesho's pro se status, however, the dismissal should be without prejudice.


 Andrea K. Johnstone
 United States Magistrate Judge

October 25, 2024

cc: Petrika Vesho, pro se.
 Candace H. Lawrence, Esq.